

III. REMARKS

1. Claims 2-18 are not anticipated by Booth (WO 98/54682) under 35 U.S.C. §102(b).

Claim 17 recites that the location information that is associated with the base stations is stored in a "memory...of the mobile station." This is not disclosed or suggested by Booth.

The Examiner states that in Booth, "at least the location information, which is associated with the cell sides (base stations) is stored at a map data base (central station) or at the mobile station 162 when transmitted by the map data base (central station) and the movement data is derived from a sequence of stored location information and is transmitted to the mobile station." There is however, no support in Booth for this proposition.

For example, page 4, lines 19 to 22 only discloses that the location of a base station or cell side can be used as location information for a mobile station being in the cell of this cell side or base station.

Page 7, lines 25 to 28 only discloses that individual sensors, i.e. travel sensors (S1, S2, etc.) as shown in FIG. 5, are interconnected with a central computer 12, so that this computer has access to instant rates of travel for all the instant rates of travel for all the route segments in the grid. The central computer may calculate and transmit information of the shortest elapsed time routes for origin-destination combinations to respective users. This text passage just discloses providing the user with traffic information.

On page 8, lines 25 to 27, Booth teaches only to estimate the location of at least one road segment from at least two reported, i.e. transmitted positions of at least one vehicle that is representative of a tracking sequence. This merely describes to get road segment information, i.e. to determine or to estimate the location of a road segment from traveling data or location information of one or more vehicles.

Further, the text on page 9, lines 18 to 28 only discloses that it is known to use the capabilities of a mobile communication system for automatically generate map data base information and to provide custom travel-related information to remote users.

There is simply no disclose or suggestion in Booth, that location information of a user's mobile station is stored in the users mobile station and only transmitted to the central station in case that the user requests for movement related information from the central station, as is recited in the claim.

Further, on page 15, lines 15 to 28 is talking about reported information, i.e. together with the vehicle location additional information such as accuracy information can be reported to the central station. Nothing here suggests storing the location information in the mobile station. Here, for privacy reasons, vehicle ID's are used that are arbitrarily assigned to the vehicles so that an individual vehicle can be tracked without the knowledge to whom it belongs.

The next text passage referred to by the Examiner, i.e. page 31, lines 15 to 22 describes how the location of a mobile station can be determined. However, this text passage is silent about the location where the information is stored, and does not suggest it is the memory of the mobile station.

The text passage page 34, line 4 to page 35, line 8 describes a system 110 that uses a geolocator 101 for tracking a vehicle 162. The location of the tracked vehicle is used for selecting location-sensitive information from a data base 1102 transmitted to the vehicle by means of a guide 1105. Since the vehicle is passively geolocated (see e.g. page 34, lines 8 to 10) no location information of the vehicle 162 is stored in the vehicle 162, but only in the system 1100.

On page 43, lines 16 to 23, Booth describes how a third party can obtain travel related information from a system and mentions examples for such a third party. However, this text passage only indicates that travel-related information is obtained from a system, i.e. is transmitted from the system to a third party. Nothing here suggests storing the location information in the mobile station as claimed by Applicant.

Consequently, there is no indication by Booth that location information, i.e. information that indicates the position of a mobile station at a certain point of time, is stored anywhere other than in the system. Booth is completely silent about actively tracking a mobile station by storing location information in the mobile station and transmitting this tracking data, i.e. the location information or movement data obtained therefrom to a central station only in case information.

In Applicant's invention, the location information which is associated with the base station supplying the mobile station is stored in a memory of the mobile station.

Movement data of the mobile station is determined from this location information either in the mobile station and then being transmitted to a central station or in a central station after

thereto whereupon information dependent on the movement data can be transmitted from the central station of the mobile station.

Storing location information of a mobile station in a memory of this mobile station is important from a point of privacy politics since the location information is only available at the central station in case information corresponding to these movement data are requested to be determined and to be transmitted to the mobile station, so that a user can access the desired information.

Thus, since Booth does not disclose or suggest at least this feature of Applicant's invention, Booth cannot anticipate the claims. Thus, claims 14, 17 and 18 are allowable. Claims 2-12 should be allowable at least in view of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$980 for a three-month extension of time as well as any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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9 December 2004
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Date: 9 December 2004

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